

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE: NATIONAL COLLEGIATE ) Docket No. 13 C 9116  
ATHLETIC ASSOCIATION STUDENT- )  
ATHLETE CONCUSSION INJURY ) Chicago, Illinois  
LITIGATION, ) August 16, 2018  
 ) 10:00 o'clock p.m.

TRANSCRIPT OF PROCEEDINGS - STATUS, MOTION  
BEFORE THE HONORABLE JOHN Z. LEE

**APPEARANCES:**

For the Plaintiffs:

HAGENS BERMAN SOBOL SHAPIRO, by  
MS. ELIZABETH A. FEGAN  
(appearing telephonically)  
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SIPRUT PC, by  
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For Defendant NCAA:

LATHAM & WATKINS, by  
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ALEXANDRA ROTH, CSR, RPR  
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1 (Proceedings had in open court:)

2 THE CLERK: Case 13 CV 9116, NCAA Student Athlete  
3 Concussion Injury Litigation.

4 MS. SPELLMAN: Good morning, your Honor. Johanna  
5 Spellman and Marc Klein for the NCAA.

6 MR. KUROWSKI: Good morning, your Honor. Daniel  
7 Kurowski. And my partner, Elizabeth Fegan is attending by  
8 telephone. We are counsel for the settlement class.

9 MR. McLAWHORN: Todd McLawhorn also counsel for the  
10 settlement class.

11 THE COURT: Good morning. Good morning, Ms. Fegan.  
12 You are on the phone?

13 MS. FEGAN: Good morning, your Honor. Yes, thank you.

14 THE COURT: So I read the status report. And it  
15 stated that MEG would have more information. So what's the  
16 status of things?

17 MS. SPELLMAN: Yes, your Honor. To date MEG has  
18 reviewed approximately 3,000 files that the notice  
19 administrator provided. Those consist of data that was  
20 provided by NCAA member institutions as well as the notice  
21 administrator's work product.

22 In particular, the auditor has been focused on how  
23 data that was submitted in nonstandard format was handled by  
24 the notice administrator and has performed sampling to identify  
25 and understand any discrepancies between what the schools

1 provided and the notice administrator's standardized format.

2 The work that remains to be done is to look at what  
3 the schools provided and the notice administrator's final  
4 records of what was ultimately used to send direct notice to  
5 the class members. They are also going to analyze how the  
6 returned undeliverable mail was handled, and they expect to  
7 have that work completed by sometime next week.

8 THE COURT: All right. And so do you think that all  
9 of the work will be done in about a week?

10 MS. SPELLMAN: Yes, your Honor.

11 THE COURT: And would that include their analysis of  
12 all the work?

13 MS. SPELLMAN: Yes, your Honor.

14 THE COURT: Okay. And I take it that at the end of  
15 that process, you anticipate receiving some sort of report from  
16 them?

17 MS. SPELLMAN: That's right.

18 THE COURT: Okay. And so how do you suggest that we  
19 proceed?

20 MS. SPELLMAN: We suggest that the parties contact the  
21 Court as soon as we are notified -- as soon as the auditor  
22 tells us that they completed the work and provide us their  
23 analysis. The parties could then submit to the Court very --  
24 in short order a final report on the auditor's findings and a  
25 proposed schedule for getting any additional notice out to

1 class members and a proposed schedule for final approval.

2 MS. FEGAN: Your Honor?

3 THE COURT: Yes.

4 MS. FEGAN: Elizabeth Fegan.

5 We agree with that. I will just suggest that we set a  
6 deadline perhaps for the auditor of ten days. Hopefully it's  
7 shorter than that -- or even seven days. And hopefully it's  
8 shorter than that. But I do think having a deadline keeps the  
9 process moving and is helpful.

10 MS. SPELLMAN: That's fine with us, your Honor.

11 THE COURT: All right. So I will set a deadline for  
12 the audit to be complete by September 27 -- I'm sorry, by  
13 August 27. And I will give the parties some time to review it,  
14 meet and confer. And we will set this case for further status.

15 Carmen, give me a date the week of September 10,  
16 please.

17 THE CLERK: September 12 at 10:00 o'clock.

18 MS. FEGAN: Your Honor, September 12 at 10:00 a.m. I  
19 can attend by phone. I do have an oral argument in the  
20 Southern District of New York that afternoon. But I can attend  
21 by phone. And I think we should have everything worked out by  
22 then.

23 THE COURT: All right. Very good.

24 MS. SPELLMAN: Thank you, your Honor.

25 THE COURT: Thank you.

1 MR. KUROWSKI: Your Honor, we also had one other item  
2 that was noticed before your Honor, the motion for leave to pay  
3 medical monitoring expenses. It is an unopposed motion. I  
4 don't know the extent to which your Honor wishes to address it  
5 at the hearing. I just wanted to flag it for the Court's  
6 attention.

7 THE COURT: Let me take a look at it.

8 (Brief pause.)

9                   THE COURT: I will enter and continue to the next  
10 status. If I have any questions, I will let the parties know,  
11 and so we can address it then. Okay?

12 MR. KUROWSKI: Thank you.

13 THE COURT: Thank you.

14 MS. FEGAN: Thank you.

15 (Which were all the proceedings heard in this case.)

## CERTIFICATE

17 I HEREBY CERTIFY that the foregoing is a true, correct  
18 and complete transcript of the proceedings had at the hearing  
19 of the aforementioned cause on the day and date hereof.

21 || /s/Alexandra Roth

8/27/2018

22       Official Court Reporter  
23       U.S. District Court  
23       Northern District of Illinois  
          Eastern Division

Date

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